IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NOs : 19626, 19751 and 19898 of 2003

WRIT PETITION NO.19626 OF 2003

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Between:

1 M/s.Datta Industries rep by its PMr.N.Raghavendra Rao &

Mrs.N.Vijaya Lakshmi Devi, 25/592/1, Srinivasa Nagar, Nandyal-

518 501.
2 N. Dattatreyudu, s/o Sri N.Venkatramaiah
3 N.Raghavendra Kumar S/o. N.Dattatreyudu
25/592/1, Srinivasa Nagar, Nandyal-518 501.
4 Smt.N.Vijaya Lakshmi Devi W/o. Sri N.dattatreyudu
25/592/1, Srinivasa Nagar, Nandyal-518 501.
5 Mrs.N.Geeta Kumari W/o.N.Raghavendra Kumar.
25/592/1, Srinivasa Nagar, Nandyal-518 501.
6 G.N.Pandu Rangaiah S/o. G.Nagaiah Setty
20/84, Main Road, Gandhi Bazar, Anantapur.
7 Mrs.Mani Krupa, W/o Sri K.Rajkumar
C/o G.N.Pandu Rangaiah, 20/84, Main Road, Gandhi Bazar,

Anantapur.
8 G. Janardhan Gupta, S/o Sri G.N.Pandu Rangaiah,
20/84, Main Road, Gandhi Bazar, Anantapur.
9 A. Sudhakar, S/o Sri A.Sambaiah,
H.No.43/6A, N.R.Pet, Kurnool-518 001.

..... PETITIONERS

AND

1 The Union of India, Rep., by its Secretary, Ministry of Law,
Shastri Bhawan, R.P.Road, New Delhi.
2 Mr.Y.Amarnath (Authorised Officer) M/s.Andhra Bank,
Zonal Office, Bellary Road, Kurnool.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction striking down the Securitisation and Reconstruction of Financial Assets and enforcement of security Interest Act, 2002, and striking down the provisions of Section 13, 15 and 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, and "SET ASIDE the notice vide No.679/11/1682, dated 12-08-2003 issued by the respondent No.2 Bank and consequently stay all further proceedings pursuant to the said notice dt.12-08-2003 issued by the respondent No.2 Bank.

Counsel for the Petitioners:MR.M.NAGA RAGHU

Counsel for the Respondents: MR.NUTY RAM MOHAN RAO

WRIT PETITION NO : 19751 of 2003

Between:

1 M/s.Bhajarang Ply Boards, rep.by its Partners,
Mr.N.Raghavendra Rao & Mrs.N.Vijaya Lakshmi Devi, 25/592-1,

Srinivasa Nagar,Nandyal- 518501
2 N.Dattatreyudu, S/o. Sri N.Venkatramaiah,
25/592-1, Srinivasa Nagar, Nandyal- 518501
3 N.Raghavendra Kumar, S/o. Sri N.Dattatreyudu,
25/592-1, Srinivasa Nagar, Nandyal- 518501.
4 Smt.N.Vijaya Lakshmi Devi, W/o.Sri N.Dattatreyudu,
25/592-1, Srinivasa Nagar, Nandyal- 518501
5 Mrs. N.Geeta Kumari W/o. N.Raghavendra kumar,
25/592-1, Srinivasa Nagar, Nandyal- 518501
6 G.N.Pandu Rangaiah, S/o. Sri G.Nagaiah Setty,
20/84, Main Road, Gandhi Bazar, Anantapur.
7 Mani Krupa, W/o. Sri K.Rajkumar,
C/o. G.N.Pandu Rangaiah, 20/84, Maian Road,
Gandhi Bazar, Anantapur
8 G.Janardhan Gupta, S/o. Sri G.N.Pandu Rangaiah,
20/84, Main Road, Gandhi Bazar, Anantapur.
9 A.Sudhakar, S/o. Sri A.Sambaiah,
H.No.43/6A, N.R.Pet, Kurnool - 518001.

..... PETITIONERS

AND

1 The Union of India, Rep.by its Secretary, Ministry of Law,
Shastri Bhawan, R.P.Road, New Delhi.
2 Mr.Y.Amarnath (Authorised officer)
M/s. Andhra Bank, Zonal office
Bellary Road, Kurnool

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction, striking down the Securitisation and Reconstruction of Financial Assets and Enforecement of Security Interest Act, 2002, and striking down the provisions of section 13, 15 and 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, and "set aside" the Notice vide No. 679/11/1683, dated 12-08-2003 issued by the Respondent No.2 Bank and consequently STAY all further proceedings pursuant to the said Notice DT.12-08-2003, issued by the Respondent No.2 Bank.

Counsel for the Petitioners:MR.M.NAGA RAGHU

Counsel for the Respondents: MR NUTY RAM MOHAN RAO

WRIT PETITION NO : 19898 of 2003

Between:

1 M/s.Dattasri Agro Boards Pvt.Ltd, rep.by its Managing Director,

Mr.N.Raghavendra Rao, 25/592-1, Srinivasa Nagar,
Nandyal-518501.
2 N.Dattatreyudu, S/o.Sri N.Venkatramaiah
3 N.Raghavendra Kumar S/o.Sri N.Dattatreyudu
4 Smt.N.Vijaya Lakshmi Devi W/o.Sri N.Dattatreyudu
5 Mrs.N.Geeta Kumari, W/o.N.Raghavendra Kumar

(Petitioners 2 to 5 are R/o 25/592-1, Srinivasa Nagar,

Nandyal- 518 501)

6 G.N.Pandu Rangaiah S/o.Sri.G.Nagaiah Setty
20/84, Main road, Gandhi Bazar, Anantapur
7 Mrs.Mani Krupa, W/o.Sri K.Rajkumar C/o.G.N.Pandu Rangaiah
20/84, Main Road, Gandhi Bazar, Anantapur
8 G.Janardhan Gupta, S/o.Sri G.N.Pandu Rangaiah 20/84, Main

Road, Gandhi Bazar, Anantapur
9 A.Sudhakar, S/o.Sri A.Sambaiah, H.No.43/6A, N.R.Pet, Kurnool

518 001.

..... PETITIONERS

AND

1 The Union of India, rep.by its Secretary Ministry of Law, Shastri

Bhavan, RP Road, New Delhi
2 Mr.Y.Amarnath, (authorised officer) M/s.Andhra Bank, Zonal

Office, Bellary Road, Kurnool

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction, striking down the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and striking down the provisions of Section 13, 15 and 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, and "set aside" the notice Vide No.679/11/1681, dated 12.08.2003 issued by the respondent No.2 Bank and consequently stay all further proceedings pursuant to the said notice dt.12.08.2003, issued by the respondent No.2 Bank.

Counsel for the Petitioner:MR.M.NAGA RAGHU

Counsel for the Respondents: MR NUTY RAM MOHAN RAO

The Court made the following :

COMMON ORDER (Per the Hon'ble Sri Bilal Nazki, ACJ):

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It is submitted by learned counsel for the petitioners that in view of the judgment of

the Supreme Court reported in ***Mardia Chemicals Limited v. Union of India,*** these writ petitions do not survive. In this view of the matter, the writ petitions are dismissed accordingly. No order as to costs.

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(Bilal Nazki, ACJ)

22nd June, 2005

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(G.Chandraiah,J)

vrn

To

1 The Secretary, Union of India, Ministry of Law, Shastri Bhawan,

R.P.Road, New Delhi.

2 Mr.Y.Amarnath (Authorised Officer) M/s.Andhra Bank,
Zonal Office, Bellary Road, Kurnool.

3 Two C.D copies.

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